

SEP 30 2013

UNITED STATES DISTRICT COURT

David J. Bradley, Clerk of Court

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

Frank Guerra

CRIMINAL COMPLAINT

Case Number:

V-13-94M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about September 9, 2013 in Victoria County, in the Southern District of Texas defendant did, unlawfully possess three firearms to wit:

Remington, Model 760, .30-06 caliber rifle, serial number 59867; Remington, Model 700, .243 caliber rifle, serial number C6418674; Benelli, Model Nova, 20-gauge shotgun, serial number 518984.

in violation of Title 18 United States Code, Section(s) 922(g)(1).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

(See Attachment A)

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Signature of Complainant

Arnulfo Gutierrez

Printed Name of Complainant

Sworn to before me and signed in my presence,

September 30, 2013

Date

at Corpus Christi, Texas

City and State

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A

I, Arnulfo Gutierrez, being duly sworn, do hereby state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Justice Department, and have been so employed since April 1990. Prior to employment with the ATF, I was employed as a Police Officer for the City of Dallas, Texas for 3 ½ years. I possess a Bachelors of Science Degree in Criminal Justice from Corpus Christi State University. I am a graduate from the Federal Law Enforcement Training Center and the ATF National Academy. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26, United States Code.

Further, the Affiant states as follows:

1. Your Affiant is familiar with the information contained in this affidavit, either through personal investigation or through discussion with other law enforcement officers, who have participated in and have contributed documentary reports of their investigative efforts in this matter.
2. On September 10, 2013, Detective Joseph Smith, Victoria County Sheriff's Department, received information regarding Frank Guerra, a convicted felon, who had pawned several firearms at a Pawn Shop in Victoria, TX.
3. Det. Smith contacted Liz Alvarez, Assistant Manager for Cash America, 5508 N Navarro in Victoria, TX and confirmed that Frank Guerra had sold three firearms described as a Remington, Model 760, .30-06 caliber rifle, serial number 59867; Remington, Model 700, .243 caliber rifle, serial number C6418674; Benelli, Model Nova, 20-gauge shotgun, serial number 518984 to Cash America on September 9, 2013.
4. On September 11, 2013, Det. Smith returned to Cash America and showed Liz Alvarez a photo line-up consisting of six photographs. Liz Alvarez identified photo #4 as being the same person who sold the above weapons to Cash America on September 9, 2013 but Mrs. Alvarez was not sure of this identification. Photo #4 is a photograph of Frank Guerra.
5. Det. Smith showed George Albrecht, Cash America employee who assisted Frank Guerra with the above transaction, a different photo line-up consisting of six photographs and was asked to identify the Frank Guerra who sold the above mentioned firearms to Cash America on September 9, 2013. Albrecht identified photo #3 as the same Frank Guerra who sold the above firearms to Cash America on September 9, 2013.
6. Det. Smith took custody of all three firearms mentioned above.
7. On September 24, 2013, Agent Gutierrez, in the presence of Detective D. Rodriguez for Bee County Sheriff's Office, interviewed Frank Guerra at the Bee County Sheriff's Office.

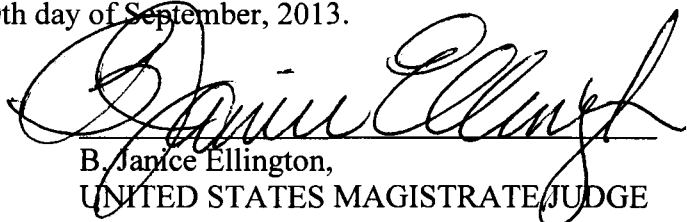
8. Agent Gutierrez identified himself to Guerra by showing him issued ATF badge and credentials.
9. Agent Gutierrez read Frank Guerra his Miranda Rights. Guerra stated he understood his Rights. Guerra agreed to answer questions without at attorney.
10. Guerra stated he pawned 2 or 3 firearms that belong to his Uncle. Guerra stated he pawned all the shotguns at the same place on the same day. Guerra stated his Uncle could not pawn these firearms because his Uncle does not have an Identification Card.
11. Guerra stated he received approximately \$200.00 per firearm from the Pawn Shop identified as Cash America on Navarro Street in Victoria, TX. Guerra stated he provided his Driver's License to pawn these firearms.
12. Guerra stated he was convicted of Robbery and Evading in Bee County, Texas.
13. According to Bee County, Texas District Clerk's Office, Frank Guerra has been convicted of two felonies: Evading Arrest with a Motor Vehicle in 2011 under Cause No. B-11-2169-0-CR-B and Robbery in 2000 under Cause No B-00-2002-0-CR-B.
14. Your Affiant knows that based on his experience and training in the identification and origin of firearms, the Remington Model 760, .30-06 caliber rifle, serial number 59867 and Remington, Model 700, .243 caliber rifle, serial number C6418674, were manufactured in New York and the Benelli, Model Nova, 20-gauge shotgun, serial number 518984 was manufactured in Italy after 1898, and thus affected interstate commerce.
15. Based on the above information, your Affiant believes Frank Guerra knowingly possessed three firearms; to wit, Remington, Model 760, .30-06 caliber rifle, serial number 59867, Remington, Model 700, .243 caliber rifle, serial number C6418674, Benelli, Model Nova, 20-gauge shotgun, serial number 518984 in violation of Title 18, USC Section 922 (g)(1).

Further the Affiant sayeth naught.



Arnulfo Gutierrez, ATF Special Agent

Subscribed and sworn to before me this 30th day of September, 2013.



B. Janice Ellington,
UNITED STATES MAGISTRATE JUDGE